



## PLANNING DEPARTMENT

PO Box 40 • 205 Third Street NE  
Irrigon, Oregon 97844  
(541) 922-4624

**Minutes of the Public Meeting of the  
Morrow County Planning Commission  
Tuesday, February 25, 2020, 7:00 p.m.  
Bartholomew Building, Heppner Oregon**

**Morrow County Planning Commissioners Present:** Chair Jeff Wenholz, Vice Chair Mifflin Devin, Wayne Seitz, Greg Sweek, Rod Taylor, and Brian Thompson

**Members Excused:** Stanley Anderson, Stacie Ekstrom, and Karl Smith

**Morrow County Staff Present:** Stephanie Case, Planner I/Interim Planning Director; Stephen Wrecsics, GIS Planning Technician; Justin Nelson, County Counsel; Dianna Strong, Office Assistant.

The Pledge of Allegiance was recited.

**Approval of Minutes:**

Commissioner Sweek moved to approve the Minutes of December 10, 2019. Commissioner Seitz seconded; and the motion carried.

Commissioner Seitz moved to approve the Minutes of January 21, 2020. Commissioner Devin seconded; and the motion carried.

**Election of Officers:**

Commissioner Sweek moved that the current officers be retained for 2020. Commissioner Taylor seconded; and the motion carried.

Planning Commission Chair Wenholz read the Planning Commission Hearing Procedures.

**Land Partition LP-S-479-20 and Replat R-S-055-20: Terry Thompson, applicant and Judith Thompson Schneider and Janet Thompson Bliss, owners.** The property is described as tax lot 2801 of Assessor's Map 3S 26; tax lot 2200 of 3S 27; and tax lot 801 of 4S 27. The property is zoned EFU and located approximately 5 miles SE of Heppner on Sanford Canyon Lane. Request is to partition a 748-acre parcel to create two parcels. Criteria for approval includes the Morrow County Zoning Ordinance Article 3 Section 3.010 Exclusive Farm Use (EFU) and Morrow County Subdivision Ordinance Article 5 Land Partitioning.

Interim Planning Director Case presented the request, drawing attention to page 4-5 of the request: Morrow County Subdivision Ordinance Article 5 Land Partitions Section 5.030, Number 2: these parcels currently take access off Sanford Canyon Road.

Comment was distributed from the County Assessor. Staff recommends a change, adding "*and utilities*" following "It is listed as a condition of approval that the applicant obtain an easement for access ..."

Commissioner Thompson added that the property in question is owned by his father and two aunts and he would be granting an easement. Thompson stated that he sees no current or future benefit to himself, by granting this easement.

Opened the testimony portion of the Public Hearing. None in favor, neutral or opposed.

Closed the public testimony portion of the hearing.

Commissioner Taylor made the motion to approve LP-S-479-20 and R-S-055-20 with utility changes as described. Commissioner Devin seconded. All in favor. Motion carried.

**Conditional Use Permit CUP-N-340-20: Blattner Energy, Inc. applicant and North Lex Power and Land, LLC, owner.** The property is described as Tax Lot 1301 of Assessor's Map 1N 26. The property is located near Bombing Range Road approximately 11 miles northeast of Lexington and is zoned Exclusive Farm Use. Request is to approve a temporary concrete batch plant. Criteria for approval include Morrow County Zoning Ordinance Article 3 Section 3.010(C)(14) and Article 6 Conditional Uses.

Interim Director Case presented the application, including comments that were submitted regarding this application.

Greg Silbernagel, Oregon Water Resources Department, states the applicant would be required to provide a water purchase agreement from DEQ, or contact him directly to discuss source water, and provide these to Planning.

Morrow County Public Works Director Matt Scrivner has provided his comments, stating that access off of Bombing Range Road falls within the existing agreement with Wheatridge.

Notice was sent to Morrow County Weed Control Supervisor Dave Pranger, who stated that he does not foresee any problems, as long as they continue to abide by the current weed control plan.

After reading the above comments from Greg Silbernagel, Staff would recommend adding language on page 8 of the preliminary findings, Conditions of Approval, #5, "including, but not limited to, contacting Oregon Water Resources Department to discuss source water and supply a water purchase agreement."

Chair Wenholz stated that the following is also recommended: #6 "Applicant must comply with Morrow County Solid Waste Ordinance."

Morrow County Counsel Justin Nelson reminded the Commissioners that similar operations were addressed in the past year, and similar concerns may come up, such as times of operation or landowner and public notice requirements.

Opened public testimony.

In favor: Jerett Freiboth, Blattner Energy, explained this is a temporary batch plant that would take up to one to one-and-a-half months in the North area that is requested; then they would move to the requested South area for a similar amount of time.

Wade Blagg, American Rock Products; General Manager, Kelby Johnson, Production Manager: Hours of operation would not be during the night. Proposed start time of 7 am would mean that equipment would start up at 6:30 am. Operation is proposed to happen March-May, so there should not be a temperature/climate need for nighttime operations.

Public testimony closed. Commissioners discussed the application. Commissioner Seitz asked if a Traffic Impact Analysis has been triggered. Technical difficulties prohibited staff access to the Transportation System Plan during the hearing.

Interim Planning Director Case explained that she understood the road should be sufficient, specifically since this is temporary and the project for which the temporary use is proposed operates under a Road Use Agreement with Morrow County.

Commissioner Seitz made a motion to approve, with the stated conditions: adding language on page 8 of the preliminary findings, Conditions of Approval, #5, "including, but not limited to, contacting Oregon Water Resources Department to discuss source water and supply water purchase agreements, as needed;" and #6 "Applicant must comply with Morrow County Solid Waste Ordinance." Commissioner Sweek seconded. Approved unanimously.

**Conditional Use Permit CUP-S-341-20: Blattner Energy, Inc. applicant and Mark Miller, owner.** The property is described as Tax Lot 600 of Assessor's Map 1S 26. The property is located on Baseline Lane approximately 13 miles northeast of Lexington and is zoned Exclusive Farm Use. Request is to approve a temporary concrete batch plant. Criteria for approval include Morrow County Zoning Ordinance Article 3 Section 3.010(C)(14) and Article 6 Conditional Uses.

Interim Director Case presented the staff report and distributed written comments from Greg Silbernagel, Oregon Water Resources Department, and Matt Scrivner, Morrow County Public Works, stating access points are not to be changed without seeking approval from the Morrow County Public Works Department. Staff would recommend adding the language as received by the Oregon Water Resources Department Watermaster Silbernagel.

Written testimony from Lori Seitz was distributed; Commissioner Wayne Seitz disclosed that this request relates to his residence. He has called the State Board of Ethics, and was told that he would not have to recuse himself as the conflict with this application has nothing to do with financial gain or loss. He declared that he can remain objective in this matter. Counselor Justin Nelson supported this. Commissioner Sweek said the appearance of ex parte' contact should be disclosed to the commissioners. Commissioner Seitz shared why he and his wife were concerned about traffic visibility. They have spoken directly with Blattner Energy about moving the batch plant closer to the rock pit, which would alleviate transporting products. Also the Seitz family has requested of Blattner Energy, that they not work during a time period when the Seitz family will have a wedding on their property.

Kelby Johnson and Wade Blagg, American Rock Products, stated that rock will not be accessed from the aggregate pit mentioned in the discussion. American Rock staff were under the impression that there was in process a Conditional Use Permit application from Haguewood/Miller. Interim Planning Director Case shared they were waiting to make application dependent on tonight's outcome.

Commissioner Brian Thompson questioned if the aggregate coming from Solid as a Rock would be via Highway-207 or Bombing Range. He shared his concern that we already denied similar application from Mr. Heideman, less than a half-mile away. Interim Planning Director Case clarified that Mr. Heideman withdrew the application.

Commissioner Seitz asked a question about using the Dougherty pit already nearby. The Blattner Energy representative stated that he was not privy to that information, and was in attendance tonight only regarding these two applications.

In opposition to this application: Lori Seitz, neighboring property owner, has concerns about the proposal, including lack of notification when the laydown yard was approved and other notification processes. Her easement is less than 500 feet away and she feels fear of conflict kept the County from notification. GIS Technician Stephen Wrecsics explained that the laydown yard was approved by an Oregon Energy Facility Siting process.

Public Comment closed.

Commission discussion: This application requires similar conditions as the previous related application, with access for aggregate and water via Kilkenny Road.

Commissioner Sweek made a motion to approve, with the addition of Conditions of Approval #5, "including, but not limited to, contacting Oregon Water Resources Department to discuss source water and supply water purchase agreements, as needed;" #6, "Applicant must comply with Morrow County Solid Waste Ordinance; and #7 "Morrow County Road Department will assist with traffic signage. Additional discussion regarding adding the hours of operation on page 3, stating restrictions." Commissioner Devin seconded. All in favor, with changes as stated. Motion carried.

**Public Comment:** None

Ten minute break at 8:20 pm

**Other Business:**

GIS Planning Technician Stephen Wrecsics presented Zoning Permit and Energy Maps

Interim Planning Director Case presented the Planning Update, which was presented to the Morrow County Board of Commissioners on February 10, 2020. In the 17 working days of February we have received 17 applications in our department. Next Planning Commission will have three applications coming before the Commissioners.

Mrs. Case updated the Commissioners on the status of the newly hired Community Development Director. Gregg Zody will be moving from Virginia. His first day on the job will be March 30.

Meeting was adjourned at 9:11 pm.

The next meeting of the Morrow County Planning Commission to hear regular business is scheduled for Tuesday, March 31, 2020 at 7:00 p.m. at the Port of Morrow Riverfront Center, Boardman, Oregon.

Respectfully Submitted,  
Dianna Strong